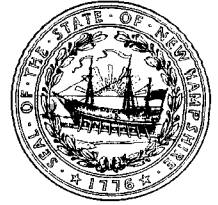




The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

Joanne Rutledge-Davis  
PO Box 308  
Springfield, NH 03284-0308

Re: Springfield General Store,  
430 Main Street, Springfield, NH  
UST #0-113929

**ADMINISTRATIVE ORDER  
BY CONSENT  
No. WMD 05-011**

**A. INTRODUCTION**

This Administrative Order by Consent is issued by the Department of Environmental Services, Waste Management Division to, and with the consent of, Joanne Rutledge-Davis, pursuant to RSA 146-C:9-a. This Administrative Order by Consent is effective upon signature by all parties.

**B. PARTIES**

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, New Hampshire.
2. Joanne Rutledge-Davis is an individual having a mailing address of PO Box 308, Springfield, NH 03284-0308.

**C. STATEMENTS OF FACTS AND LAW**

1. RSA 146-C authorizes DES to regulate the installation, maintenance, operation, and closure of underground storage facilities. Pursuant to RSA 146-C:9, the Commissioner of DES has adopted New Hampshire Administrative Rules Env-Wm 1401 to set forth the requirements for underground storage facilities by "establishing criteria for registration and permitting, and standards for design, installation, operation, maintenance, and monitoring of such facilities."
2. Joanne Rutledge-Davis is the owner of one steel underground storage tank ("UST") system located at 430 Main Street in Springfield, NH ("the Property"), further identified as #0-113929 ("the Facility"). The UST system is a 2,000-gallon gasoline tank.
3. The UST system at the property is subject to RSA 146-C and Env-Wm 1401.
4. Env-Wm 1401.32(b) requires all existing USTs to be protected from corrosion.
5. The UST on the Property does not have corrosion protection.

#### **D. DETERMINATION**

1. Joanne Rutledge-Davis has violated Env-Wm 1401.32(b) by failing to provide corrosion protection for the UST.

#### **E. ORDER**

Based on the above findings, DES hereby orders Joanne Rutledge-Davis, and Joanne Rutledge-Davis agrees, to undertake and complete the following actions by December 31, 2005:

1. Provide access to the Property for DES and its contractors to conduct any and all necessary work associated with permanent closure of the UST system described in Section C of this Order, in accordance with Env-Wm 1401.18.
2. Assist DES and its contractors with identifying Property lines and all underground piping and utilities.
3. Provide unrestricted access to the Property for temporary storage of equipment and materials during the permanent closure of the UST system.
4. Remove all items from the work area, prior to arrival of the contractor, which may interfere with performance of the UST systems closure.
5. Acknowledge that DES will place a lien on the Property equal to the cost associated with the UST systems closure. DES's contractor, Cyn Environmental Systems, submitted a "not-to-exceed" estimate of \$4,563 for the permanent closure of the UST system in October 2005, which does not include removal of the concrete pad and dispensers.
6. Acknowledge that the total lien must be discharged prior to DES approval of any future engineering plans for the installation of one or more motor fuel tanks, or upon any conveyance of the Property.
7. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order by Consent to DES as follows:

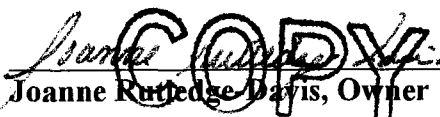
Lynn A. Woodard, P.E., Supervisor  
Oil Remediation and Compliance Bureau  
PO Box 95  
Concord, NH 03302-0095

#### **F. CONSENT AND WAIVER OF APPEAL**

1. By execution of this Administrative Order by Consent, Joanne Rutledge-Davis agrees that this Order shall apply to and be binding upon Joanne Rutledge-Davis and agrees that this Order may be entered and enforced by a court of competent jurisdiction.

2. By execution of this Administrative Order by Consent, Joanne Rutledge-Davis waives any right to appeal this Administrative Order by Consent provided by statute, rule, or common law, including without limitation the right to appeal to the Waste Management Council, and waives any right to object to the entry and enforcement of this Order by a court of competent jurisdiction.

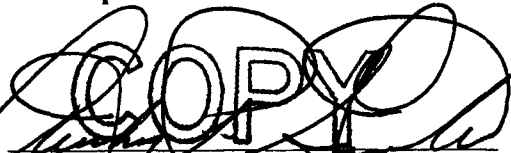
3. Upon execution of this Administrative Order by Consent by Joanne Rutledge-Davis, and acceptance of it by the Division and the Commissioner of DES, the Division agrees to withdraw the associated proposed administrative fine, Docket No. AF 04-077.

  
Joanne Rutledge-Davis, Owner

Date:


7/15/06

**NH Department of Environmental Services**

  
Anthony P. Giunta, P.G., Director  
Waste Management Division

Date:

7/24/06

  
Michael P. Norm, Commissioner

Date:

7/24/06

cc: Gretchen R. Hamel, Esq., Legal Unit Administrator  
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB  
James Martin, DES Public Information Officer  
Lynn A. Woodard, P.E., WMD UST Supervisor  
Thomas R. Beaulieu, WMD UST Chief